

BID OPENING
CITY OF SAN JOSE
OFFICE OF THE CITY CLERK

RECEIVED
San Jose City Clerk
City Clerk
Time Stamp
2010 MAY -6 P 2:26

TOTAL BASE BID 1,369,000

ALT NO. 1 _____

ALT NO. 2 _____

ALT NO. 3 _____

Alt No. 4 _____

Alt No. 5 _____

BID DATE: Thursday, May 06, 2010

Project Manager: Amit Mutsuddy ~ 945.5166

SJ/SC WPCP MCC Phase II Replacement
Design-Build Project
FY 2009-2010

BIDDER'S NAME: Anderson Pacific

Bond ☒ Cashier's Check _____

Addendums Included () 1 YES ☒ NO _____

Non-Collusion Affidavit YES ☒ NO _____

PROPOSAL TO CITY OF SAN JOSE

FOR

MCC PHASE II REPLACEMENT DESIGN-BUILD PROJECT

Name of Bidder: Anderson Pacific Engineering Construction, Inc.

The representations herein are made under penalty of perjury.

To: The City of San Jose, State of California

The undersigned, as bidder, declares that the only person or parties interested in this proposal as principals are those named herein; that this proposal is made without collusion with any other person, firm or corporation; that the bidder has thoroughly read and examined and has full knowledge of and understands all the provisions and contents of this proposal and the documents which must be attached hereto, the Plans approved by the Director of Environmental Services on April 9, 2010, entitled MCC Phase II Replacement Design-Build Project and the Specifications approved by the Director of Environmental Services on April 9, 2010, entitled MCC Phase II Replacement Design-Build Project on file in the office of the Director of Environmental Services of the City of San Jose in City Hall, San Jose, California; that the bidder has thoroughly examined said Plans and Specifications which are on file in the office of the Director of Environmental Services, and that the bidder has full knowledge of and understands said Plans and Specifications and the requirements thereof; and that the bidder has further read and understands, and has knowledge of the contents of any and all addenda to said Plans and Specifications on file; and that the bidder proposes and agrees, if this proposal is accepted, that the bidder will contract with the City of San Jose, in the form of the copy of the contract on file in the office of the Director of Environmental Services, to do all the work and furnish all materials specified or referred to in the contract, in the manner and time therein prescribed, and according to the requirements of the City or Director of Environmental Services as therein set forth, to furnish the contract, bonds and insurance specified in the Specifications, and to do all other things required of the Contractor by the contract; and will take in full payment therefor the following price or unit prices as shown in the Schedule of Quantities on the next page(s).

If the bidder or other interested persons is a corporation, state legal name of corporation, also names of the President, Secretary, Treasurer, and the Manager thereof; if a partnership, state the name of the partnership, if one exists, also the names of all the partners comprising the partnership; if any of the partners are individuals, state the first and last name of every individual in full, if any of the partners are corporations, state for each such corporation, the information required above of corporations; if any of the partners are partnerships, state for each such partnership the information required above of partners; if the bidder or other interested person is a joint-venture, state the name of the joint venture, also names of all joint venturers comprising the joint venture; if any of the joint venturers are individuals, state the first and last name of every individual comprising the joint venture; if any of the joint venturers are corporations, state for each corporation the information required above of corporations; if any of the joint venturers are partnerships, state for each such partnership, the information required above of partners; if bidder or other interested persons is an individual, state first and last names in full.

If bidder is an individual, the bidder's signature shall be placed below; if bidder is an individual, doing business under a fictitious name, the name of the individual followed by the words "doing business under (insert the fictitious name)" shall be set forth above, together with the signature of the individual; if bidder is a corporation, the legal name of the corporation shall be set forth above, together with the signature of the officer or officers of the corporation, authorized to sign contracts on behalf of the corporation, the corporate title; that is Vice-President, Secretary, etc., should be placed below the name of the officer and the corporate seal affixed; if bidder is a partnership, the legal name of the partnership, if one exists, shall be set forth above, together with the signature of the partner or partners authorize to sign contracts on behalf of the partnership; if any of the partners are corporations, execution for such partners shall be accomplished

in accordance with the requirements set forth above for corporations; if any of the partners are partnerships, execution for such partners shall be accomplished in accordance with the requirements set forth above for partnership; if bidder is a joint-venture, the legal name of the joint venture, if one exists, shall be set forth above for partnerships. If signature is by an agent other than an officer of a corporation, or member of a partnership or a joint venture, a Power of Attorney must be on file with the City Clerk prior to opening bids or submitted with the bid; otherwise, the bid may, at the City's option, be disregarded as non-responsive.

If this proposal shall be accepted and the undersigned shall fail to contract, and to give the Contractor's Bond For Faithful Performance and the Contractor's Payment Bond required by the specifications and contract and by law, and to provide all insurance as required by said contract, within eight (8) days after the bidder has received notice from the City of San Jose, the City may, at its option, determine that the bidder has abandoned his/her contract, and thereupon this proposal and the acceptance thereof shall be null and void, and the forfeiture of such security accompanying this proposal shall operate and the same shall be the property of the City of San Jose.

In accordance with Public Contract Code Section 10232, the Contractor, hereby states under penalty of perjury, that no more than one final unappealable finding on contempt of court by a federal court has been issued against the Contractor within the immediately preceding two year period because of the Contractor's failure to comply with an order of a federal court which orders the Contractor to comply with an order of the National Labor Relations Board. Signing this Proposal on the signature portion thereof shall constitute signature of this Statement.

Accompanying this proposal are the following documents completely filled in by the bidder and the same are incorporated herein by reference;

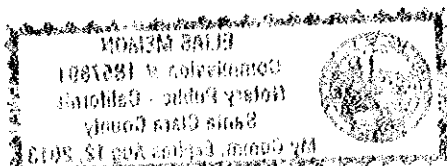
1. Cash, a cashier's check or a certified check made payable to City, or a bidder's bond executed by an admitted surety insurer naming the City as beneficiary, in an amount equal to at least ten percent (10%) of the total amount bid including all alternatives.
2. A "List of Subcontractors".
3. A "Statement of Qualifications".

City may at its option, request additional supplemental information after bid opening.

Bidder understands that the City reserves the right to reject any or all bids and to waive any informalities in the bidding.

The undersigned, as bidder, declares that in listing subcontractors in this bid, I have not discriminated or given any preference to any firm based on race, sex, color, age, religion, sexual orientation, actual or perceived gender identity, disability, ethnicity, or national origin. I understand that any such discrimination or preference is in violation of Chapter 4.08 of the Municipal Code.

Execution of the Non-Collusion Affidavit constitutes execution of this Bid Proposal including the above statement of nondiscrimination and, with the exception of the Bidder's Bond or Addenda, if any, no other signatures will be required.





Anderson Pacific Engineering Construction, Inc. was incorporated in the state of California on April 11, 1986. Peter Anderson is the President, Treasurer, and Manager. Matthew Miranda is the Vice President. Anne Anderson is the Secretary.

BIDDER'S BOND

KNOW ALL PERSONS BY THESE PRESENTS:

That we, Anderson Pacific Engineering Construction, Inc. as PRINCIPAL,
and Safeco Insurance Company of America, a corporation duly organized under the
laws of the State of WA and duly licensed to become sole surety on bonds
required or authorized by the State of California, as SURETY, are held and firmly bound unto the
City of San Jose (hereinafter called the "City"), in the penal sum of TEN PERCENT (10%) OF THE
TOTAL AMOUNT OF THE BID of the Principal above named, submitted by said Principal to the
City of San Jose, for the work described below; for the payment of which sum in lawful money of
the United States, well and truly to be made, we bind ourselves, our heirs, executors, administrators
and successors, jointly and severally, firmly by these presents. In no case shall the liability of the
Surety hereunder exceed the sum of 10% of bid amount DOLLARS (\$
10% of Bid
Amount).

THE CONDITION OF THIS OBLIGATION IS SUCH,

That whereas the Principal has submitted the above mentioned bid to the City of San Jose,
for certain construction specifically described as follows, for which bids are to be opened in the
Office of the City Clerk, City of San Jose, City Hall, 200 E. Santa Clara St., Wing 2nd Fl., San Jose,
CA 95113, on May 6, 2010 for MCC Phase II Replacement Design-Build Project.

NOW, THEREFORE, if the aforesaid Principal is awarded the contract and, within the time
and manner required under the specifications, after the prescribed forms are presented to Principal
for signature, enters into a written contract, in the prescribed forms, in accordance with the bid, and
files a Faithful Performance Bond and a Contractor's Payment Bond, and files the required insurance
policies with the City, all as required by the specifications and the contract or by law, then the
obligation shall be null and void; otherwise it shall be and remain in full force and effect.

The Surety, for value received, hereby stipulates and agrees that the obligation of said Surety
and its bond shall be in no way impaired or affected by any extension of the time within which the
Owner may accept such Bid; and said Surety does hereby waive notice of any such extension.

In the event suit is brought upon this bond by the Obligee and judgement is recovered, the
Surety shall pay all costs incurred by the Obligee in such suit, including a reasonable attorney's fee
to be fixed by the court.

IN WITNESS WHEREOF, we have hereunto set our hands and seals on this 1st
day of May, 20 10.

PRINCIPAL

Anderson Pacific Engineering Construction, Inc.

SURETY

Safeco Insurance Company of America

Legal Company Name

Legal Company Name

Corporation
Indicate Type of Entity

By

Peter E. Ash

Title: President

Peter E. Ash

By

Title:

By

[Signature]

Title:

JD Conrad, Attorney In Fact

By

Title:

(Affix Corporate Seals)

(Attach Acknowledgments of both Principal and Surety signatures)

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California

County of SANTA CLARA

On 05/06/2010 before me, ELIAS MEMON, NOTARY PUBLIC,
(Here insert name and title of the officer)

personally appeared PETER ERNEST ANDERSON

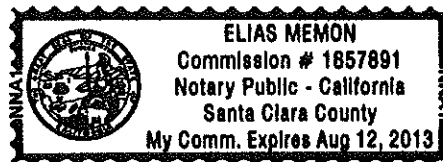
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Elias Memon
Signature of Notary Public

(Notary Seal)



ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT

BIDDER'S BOND

(Title or description of attached document)

(Title or description of attached document continued)

Number of Pages _____ Document Date _____

(Additional information)

CAPACITY CLAIMED BY THE SIGNER

- ☐ Individual (s)
☐ Corporate Officer

(Title)

- ☐ Partner(s)
☐ Attorney-in-Fact
☐ Trustee(s)
☐ Other _____

INSTRUCTIONS FOR COMPLETING THIS FORM

Any acknowledgment completed in California must contain verbiage exactly as appears above in the notary section or a separate acknowledgment form must be properly completed and attached to that document. The only exception is if a document is to be recorded outside of California. In such instances, any alternative acknowledgment verbiage as may be printed on such a document so long as the verbiage does not require the notary to do something that is illegal for a notary in California (i.e. certifying the authorized capacity of the signer). Please check the document carefully for proper notarial wording and attach this form if required.

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. he/she/they, is /are) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
 - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
 - ❖ Indicate title or type of attached document, number of pages and date.
 - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

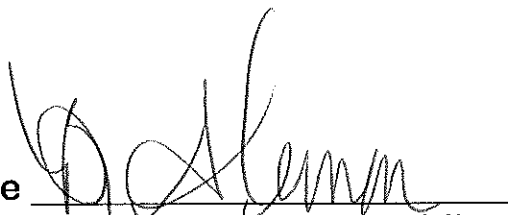
County of Los Angeles

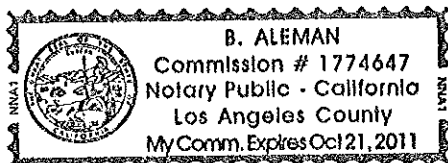
On MAY 01 2010 before me, B. Aleman, Notary Public, personally appeared KD Conrad who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature


B. Aleman, Notary Public





POWER
OF ATTORNEY

Safeco Insurance Company of America
General Insurance Company of America
1001 4th Avenue
Suite 1700
Seattle, WA 98154

KNOW ALL BY THESE PRESENTS:

No. 6843

That **SAFECO INSURANCE COMPANY OF AMERICA** and **GENERAL INSURANCE COMPANY OF AMERICA**, each a Washington corporation, does each hereby appoint

E.S. ALBRECHT, JR.; TRACY ASTON; TOM BRANIGAN; K.D. CONRAD; ASHRAF ELMASRY; SIMONE GERHARD;
JOYCE HERRIN; MICHAEL R. MAYBERRY; C.K. NAKAMURA; MARIA PENA; WILLIAM A. SADLER; EDWARD C.
SPECTOR; MARINA TAPIA; LISA L. THORNTON; BRENDA WONG; NOEMI QUIROZ; B. ALEMAN; Los Angeles, CA

its true and lawful attorney(s)-in-fact, with full authority to execute on its behalf fidelity and surety bonds or undertakings and other documents of a similar character issued in the course of its business, and to bind the respective company thereby.

IN WITNESS WHEREOF, **SAFECO INSURANCE COMPANY OF AMERICA** and **GENERAL INSURANCE COMPANY OF AMERICA** have each executed and attested these presents

this 21st day of March, 2009

Dexter R. Legg, Secretary

Timothy A. Mikołajewski, Vice President

CERTIFICATE

Extract from the By-Laws of **SAFECO INSURANCE COMPANY OF AMERICA**
and of **GENERAL INSURANCE COMPANY OF AMERICA**:

*Article V, Section 13. - FIDELITY AND SURETY BONDS ... the President, any Vice President, the Secretary, and any Assistant Vice President appointed for that purpose by the officer in charge of surety operations, shall each have authority to appoint individuals as attorneys-in-fact or under other appropriate titles with authority to execute on behalf of the company fidelity and surety bonds and other documents of similar character issued by the company in the course of its business... On any instrument making or evidencing such appointment, the signatures may be affixed by facsimile. On any instrument conferring such authority or on any bond or undertaking of the company, the seal, or a facsimile thereof, may be impressed or affixed or in any other manner reproduced; provided, however, that the seal shall not be necessary to the validity of any such instrument or undertaking."

Extract from a Resolution of the Board of Directors of **SAFECO INSURANCE COMPANY OF AMERICA**
and of **GENERAL INSURANCE COMPANY OF AMERICA** adopted July 28, 1970.

"On any certificate executed by the Secretary or an assistant secretary of the Company setting out,

- (i) The provisions of Article V, Section 13 of the By-Laws, and
- (ii) A copy of the power-of-attorney appointment, executed pursuant thereto, and
- (iii) Certifying that said power-of-attorney appointment is in full force and effect,

the signature of the certifying officer may be by facsimile, and the seal of the Company may be a facsimile thereof."

I, Dexter R. Legg, Secretary of **SAFECO INSURANCE COMPANY OF AMERICA** and of **GENERAL INSURANCE COMPANY OF AMERICA**, do hereby certify that the foregoing extracts of the By-Laws and of a Resolution of the Board of Directors of these corporations, and of a Power of Attorney issued pursuant thereto, are true and correct, and that both the By-Laws, the Resolution and the Power of Attorney are still in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the facsimile seal of said corporation

this day of MAY 01 2010



Dexter R. Legg, Secretary

LIST OF SUBCONTRACTORS

Designation of Subcontractors as required in Section 2-1.15A of the City of San Jose Standard Specifications, July 1992.

NAME OF SUBCONTRACTOR	LOCATION OF PLACE OF BUSINESS	PORTION (DESCRIPTION) OF WORK
NONE		

STATEMENT OF QUALIFICATIONS

FOR

SAN JOSE/SANTA CLARA WATER POLLUTION CONTROL PLANT
MCC PHASE II REPLACEMENT DESIGN-BUILD PROJECT

FY 2009/2010

Bidders shall identify a minimum of three (3) similar projects within the last five (5) years. Bidders must use and submit this form as a part of their bid proposal. Bidders who wish to identify more than five (5) projects may attach additional pages as necessary to this form. Please note that resumes and/or reference lists may not be submitted in lieu of this form.

All work experience identified in this STATEMENT OF QUALIFICATIONS form must have been completed by the same contractor who is submitting the bid proposal.

PROJECT NO. 1 Date Started Date Ended
Main Sewage Pump Station

01/2007 01/2009

Owner Name and Address Name and Telephone No. of Person with
 Personal Knowledge of Bidder's Work
 on the Project (e.g. Project Manager)

City of Milpitas Steve Smith

455 E Calaveras Blvd

Milpitas CA 95035

(408) 690-3605

PROJECT NO. 2 Date Started Date Ended
Phase I - Palo Alto Distribution

02/2005 09/2006

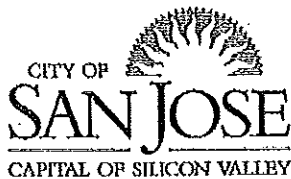
Owner Name and Address Name and Telephone No. of Person with
 Personal Knowledge of Bidder's Work
 on the Project (e.g. Project Manager)

City of Palo Alto Romel Antonio

1007 Elwell Ct

palo alto CA 94303

(650) 566-4518



Environmental Services Department

SAN JOSE/SANTA CLARA WATER POLLUTION CONTROL PLANT

April 30, 2010

**ADDENDUM NO. 1
TO
THE PLANS AND SPECIFICATIONS
FOR
MCC PHASE II REPLACEMENT DESIGN-BUILD PROJECT**

Notice is hereby given that the following revisions, additions and/or deletions are hereby made of, and incorporated into the Plans and Specifications for the **MCC PHASE II REPLACEMENT DESIGN-BUILD PROJECT**.

IMPORTANT

THIS ADDENDUM MUST BE ACKNOWLEDGED WHEN YOUR BID IS SUBMITTED. FAILURE TO ACKNOWLEDGE THE ADDENDUM MAY CONSTITUTE GROUNDS FOR REJECTION OF THE BID.

INSTRUCTIONS:

This Addendum No. 1, pages 1 through 4, and attachments modifies the Bidding Documents for the MCC PHASE II REPLACEMENT DESIGN-BUILD PROJECT, and shall become part of the Contract Documents for this Project.

The Contract Time is not changed

Submit this Addendum #1 package with your bid proposal.

The bidder must sign this addendum in the space provided below and return one signed copy with the bid. Failure to return the signed copy with the bid document shall not relieve the bidder of the obligation to include this addendum in the bid proposal.

Anderson Pacific Eng. Const., Inc. Approved by:

Bidder's Name

President

Signature and Title of Bidder

5/5/10

Date

Bhavani Yerrapotu, P.E.

Division Manager, Technical Support Services

SJ/SC Water Pollution Control Plant

THIS ADDENDUM CONTAINS FOUR (4) PAGES

ADDENDUM NO. 1
TO
PLANS AND SPECIFICATIONS
FOR
MCC PHASE II REPLACEMENT DESIGN-BUILD PROJECT

April 30, 2010

REQUESTS FOR INFORMATION

1. **Question:** During the contractor job walk we were verbally instructed to provide "Stainless Steel Enclosure" for MCC-N and "Stainless Steel Nema 1 Enclosure" for MCC-S02. We believe by specifying stainless enclosures the City's intent is that NEMA 4X equipment be provided for the two MCC's specifically mentioned. Please confirm.

Response: *The specification for the 600 Volt Class Motor Control Centers: 16480 Section 2.02.B only requires MCC-SO2 to be Stainless Steel, Type 316, NEMA 1. MCC-N does not have to be Stainless Steel.*

If the manufacturers can only supply Stainless Steel with NEMA 4X enclosures, then NEMA 4X is acceptable.

2. **Question:** MCC-R existing single line (drawing 61E0200) shows two motors identified as "Chlorinator Feed Water Pumps" and which are labeled as **100 horsepower** units, both shown as served by size 3 starters in the subject MCC. The new MCC-R schedule indicates "no change". We believe the starter may be undersized or the motor horsepower incorrectly shown as 100. Please review and confirm.

Response: *The Chlorinator Feed Water Pumps (MCC R Compartments: 10D, 11D & 12E) are 50 HP. Refer to schematic 61E3001 Sheets 46, 50 & 55). The single line (61E0200) and bid drawing 61E2244 incorrectly show 100 HP.*

3. **Question:** A temporary MCC location has not been shown for the Outfall Building as was indicated for the other three locations. Please confirm the City's intent for a temporary MCC to be also provided during the installation and cutover of existing equipment for MCC-S02.

Response: *MCC SO2 does require a temporary MCC. The location of the temporary MCC for MCC SO2 is shown on the bid drawing: 66EE2255 Zone B5.*

4. **Question:** MCC R: In drawings 61E2243 and 61E2244, can Sections 1-9 be a continuous 20" sections? Can Sections 10-13 be 20" deep?

Response: *Some manufacturers can supply the MCC as shown in drawings: 61E2243 and 61E2244. However, it is acceptable for manufacturers to supply MCC R with Sections 1-9 as a continuous 20" deep. There is sufficient horizontal clearance on the northwest side MCC R to make Sections 10-13 20" deep with a wrap around bus to Section 9.*

Note: A 48" or greater horizontal clearance between the existing 480v switchgear and the rear side of MCC R Sections 1-5 must be maintained.

5. **Question:** MCC R: In drawing 61E2242 (MCC R Schedule) 19 vertical sections are identified. In drawing 61E2244 (MCC R Sections) only 13 sections are identified? Which is correct?

Response: *The layout shown in 61E2244 is correct. The components identified in the MCC R Schedule have been integrated in the new layout shown on 61E2244. Some control panels have been condensed into a smaller area.*